

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REGINALD MOOREHEAD,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:08CV1170 HEA
)	
JEFF NORMAN,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Magistrate Judge Adelman's Report and Recommendation of August 8, 2011. Judge Adelman recommends that Petitioner's Petition for Writ of Habeas Corpus, [Doc. No. 1], be dismissed. Objections to Judge Adelman's Report and Recommendation were due August 22, 2011. As of this date, Petitioner has not filed written objections to the Report and Recommendation.

Judge Adelman's Report and Recommendation contains a detailed analysis of Petitioner's petition. Judge Adelman details the procedural history of Petitioner's state proceedings.

This Court agrees with Judge Adelman's conclusions that Petitioner's Ground I is procedurally defaulted and that the remaining grounds are without merit. The Court will adopt Judge Adelman's recommendation that this matter be dismissed without further proceedings.

Certificate of Appeal ability

The federal statute governing certificates of appealability provides that “[a] certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A substantial showing of the denial of a constitutional right requires that “issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings.” *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Based on the record, a Certificate of Appealability is not warranted in this matter.

Accordingly,

IT IS HEREBY ORDERED that the Petition of Reginald Moore head for a Writ of Habeas Corpus, [Doc. No. 1], is dismissed without further proceedings.

IT IS FURTHER ORDERED that the Court will not issue a Certificate of Appealability.

Dated this 26th day of June, 2013.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE